



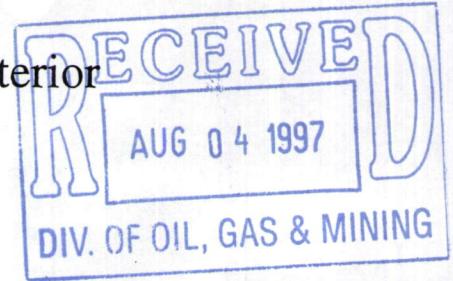
IN REPLY REFER TO:

3809
U-75735
(UT-023)

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Salt Lake District Office
2370 South 2300 West
Salt Lake City, Utah 84119



JUL 31 1997

CERTIFIED MAIL NUMBER Z 286 254 444
RETURN RECEIPT REQUESTED

DECISION

Mr. Kirk Matthews	:	
Chemical Lime Company	:	43 CFR 3809
P.O. Box 537	:	Surface Management
Grantsville, UT 84029	:	Notice of Noncompliance

Notice of Failure to File Notice or Plan of Operations in the Dolomite Millsite Area

During a routine inspection of the Dolomite area on July 29, 1997, we discovered that Chemical Lime Company (CLC) has constructed an unauthorized access road and stockpile area, and has erected "No Trespassing" signs on Public Lands in T. 1 S., R. 7 W., Section 25. Bureau of Land Management (BLM) records indicate that within this area, Chemical Lime Company owns the Dolomite M.S. No. 1-30 millsites (UMC 94016-94045).

During the inspection, it was revealed that CLC has constructed an unauthorized access road, with associated side-casting, on Public Lands approximately 0.15 miles long by about 20 feet wide, and is presently using an old storage and stockpile area about 5 acres in size for waste and ore storage. In addition, CLC has placed "No Trespassing" signs along a public access route, which gives the impression that the lands are privately owned.

In addition, your disturbance at this site may constitute a violation of the Archaeological Resources Protection Act, where historic artifacts may have been destroyed by your unauthorized surface disturbing activities.

Please be advised that for mining or milling operations on Public Lands (for other than casual use), operators are required to submit a Notice or Plan of Operations to the BLM prior to the onset of operations. A Notice is required at least 15 days prior to the onset of operations where the proposed surface disturbance is less than 5 acres. For operations in excess of 5 acres, a Plan of Operations is required at least 30 days prior to mining or milling activity.

Failure of an operator to submit an appropriate Notice or Plan of Operations prior to initiating operations will subject the operator to being served with a Notice of Noncompliance. Your

activities on the subject mill sites have resulted in unnecessary and undue degradation of Public Lands for which you are hereby being issued a Notice of Noncompliance.

All operators who have established a Record of Noncompliance are required to submit a Plan of Operations and must post a bond for 100% of the cost for reclamation, including administrative costs, for any and all future mining operations. On March 31, 1997, a final rule published in the Federal Register became effective amending the Bureau of Land Management's (BLM) surface management regulations at 43 CFR 3809. This rule requires submission of financial guarantees for reclamation of all hard rock mining operations greater than casual use. The final rule also requires the following:

- A. The bond amount must be no less than 100 percent of the estimated costs to reclaim the land disturbed. The bond is required to be for an amount the greater of 100 percent of the cost to reclaim the disturbed area, or \$1,000.00 per acre (for Notice-level activities), or \$2,000.00 per acre for Plans of Operation;
- B. All bonds submitted directly to, or certified to the BLM, must be accompanied by a Professional Engineer's (PE) certification of the reclamation costs. Where an operator has satisfied the bonding requirements by evidence of a sufficient bond held or approved by the State of Utah, no PE's certification is required.

In order to bring yourself into compliance with Federal regulations, you must do the following:

- 1. Immediately cease all milling or stockpiling operations on the subject mill sites until a Plan of Operations has been approved by this office.
- 2. Within 30 days of receipt of this letter, you must submit a Plan of Operations that describes in detail your ongoing and proposed activities on the subject mill sites on Public Land. This would include a map showing all existing and proposed milling facilities, access roads, ore, tailings, or other waste areas, topsoil stockpile areas, and equipment storage yards. We have enclosed a Plan of Operations format for your use.
- 3. Information sufficient to describe the measures that will be taken to prevent unnecessary and undue degradation of Public Lands, and measures that will be taken to reclaim disturbed areas resulting from your unauthorized activities on the subject mill sites.
- 4. Immediately remove the "No Trespassing" signs from Public Lands.

If you continue to conduct operations without an approved Plan of Operations, and without taking the actions specified in this letter within the time specified, you may be enjoined by an appropriate court order from continuing such operations and be liable for damages for such unlawful acts.

An appeal from this decision may be taken to the State Director, Utah State Office, BLM, in accordance with the provisions in Title 43 of the Code of Federal Regulations (CFR) Subpart 3809.4. If an appeal is taken, the notice of appeal must be filed in this office at 2370 South, 2300 West, Salt Lake City, Utah, 84119 within thirty (30) days from receipt of this decision.

Do not send the notice of appeal to the State Director. The appeal and the case history will be sent to the State Director from this office. The appeal to the State Director must contain: 1) the name and mailing address of the appellant; 2) when applicable, the name of the mining claim(s) and serial number(s) assigned to the mining claim(s) recorded pursuant to Section 3833 of this title which are subject to appeal; and 3) a statement of reasons for appeal and any arguments the appellant wishes to present which would justify reversal or modification of the decision. To avoid summary dismissal of the appeal, there must be strict compliance with the regulations.

During the appeal to the State Director, all decisions from which the appeal is taken shall be effective during the pendency of the appeal.

If no appeal is taken, this decision constitutes final administrative action of this Department, as it affects the mill site(s). No appeal, protest, or petition for reconsideration will be entertained from this decision after the appeal period has expired.

If you have any questions, or require additional information, please feel free to contact Michael Ford of my staff at (801) 977-4360.

/s/ Margaret Wyatt

Margaret Wyatt
Area Manager

Enclosure

cc: D. Wayne Hedberg, UDOGM
James Kelley, Chemical Lime
UT-921